

REMARKS

Claims 1 and 3-23 are pending.

The Examiner maintained his previous rejection of Claims 16-17 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,124,810 ("Segal") in view of U.S. Patent 5,444,444 ("Ross"). With respect to Claim 16, Applicant pointed out in the Amendment of August 22, 2003 that Claim 16 recites:

a control circuit including a user interface, wherein (1) the control circuit receives a destination list from the service center over the wireless connection, (2) the user interface allows a user to edit the destination list received and to select a current destination from the destination list, and (3) the control circuit sends a message to inform the service center of the current destination, automatically activates the location system to determine a current location of the mobile unit, determines whether the mobile unit has crossed a threshold relating to the current destination, and activates the wireless device to send an alert signal if the mobile unit has crossed the threshold.

(emphasis added)

Quoting from Ross, col. 4, lines 50 to col. 5, line 5 and col. 6, lines 45-63, Applicant explained that (1) Ross does not disclose or suggest allowing a user to select or vary the next destination in sequence, and (2) Segal teaches against driver intervention at col. 2, lines 42-47 by teaching minimizing or completely eliminating driver intervention with respect to handling arrival and departure from planned or unplanned destinations. In response to these arguments, the Examiner states:

A) The applicant states that the reference Ross does not suggest allowing a user to select or vary the next destination in sequence.

...

A) Ross discloses an apparatus and method for signaling reasonable advance notice of a pending delivery or pickup of an item from a party includes a control circuit (10) including a user interface/keyboard (12) which allows a user to edit the destination list received can be utilized in a mobile service vehicle or carrier is equipped with a satellite receiver, a controller and a communicator. The controller compares the location of the vehicle to the location of the party receiving the delivery/pickup [figs.2-3, col.5, lines 33-45];

Applicants respectfully submit that the Examiner is in error. First, the Examiner mischaracterizes Ross's teachings – neither Figs. 2-3 nor col. 5, lines 33-45 teach or suggest an ability to “allow a user to edit the destination list.” For example, in its entirety, col. 5, lines 33-45 states:

Memory 204 may comprise one or more random access memories (RAM), one or more CD-ROMs, a removable memory device or any other device that allows storage and retrieval of data. In addition, memory 204 may be a separate or an integral component of OBC 200.

Generally, the destination information received by processor 206 is stored in memory 204 for later use. Destination information is considered to be “active” within memory 204 if the travel route contained within the destination information has yet to be completed by vehicle 108.

Thus, with respect to Ross, the Examiner failed to show that Ross discloses or suggests allowing a user to select or vary the next destination in sequence. In addition, the Examiner failed to address the issue that Segal teaches against Claim 16's “[allowing] a user to edit the destination list received and to select a current destination from the destination list,” and thus cannot be properly combined with another reference that teaches editing a destination list. Accordingly, Applicant respectfully submits that the Examiner has failed to show that the combined teachings of Segal and Ross render Claim 16 and its dependent claims 17 and 19-21 obvious. Reconsideration and allowance of Claims 16-17 and 19-21 are therefore requested.

The Examiner maintained his rejection of Claims 1, 3-5, 8-15 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Segal in view of U.S. Patent 5,724,243 ("Westerlage") further in view of U.S. Patent 5,668,343. In the Amendment of August 22, 2003, Applicant explained that none of Segal, Westerlage and Jones discloses or suggests the following limitations of Claim 1:

providing a server on a wide area network accessible by a user to specify conditions for an alert and an action to be carried out when the conditions for the alert are met, the conditions referencing a position of a mobile unit;

Applicant further pointed out that Segal's Figs. 1-4, col. 3, line 65 to col. 4, line 24 and col. 9, lines 44-46 do not support the Examiner's assertion that Segal teaches the limitations of Claim 1. Applicant discussed in detail why each portion of Segal that the Examiner relied upon (i.e., figs. 1-4, col. 3, line 65 to col. 4, line 24 and col. 9, lines 44-46) does not support the Examiner's position (See Applicant's Amendment of August 22, 2003, at pages 12-13). In response to Applicant's arguments, the Examiner merely repeated the stated his rationale for rejection, which is already stated in his rejection. Besides his repetition, the Examiner only further states:

Therefore, we believe that the combination of Segal, Westerlage and Jones can be used for rejection in appropriate ways.

We also recognize the Segal reference does provide a wide area network (106) that allows a user to specify conditions for an alert and action to be carried out when the conditions for the alert are met, the conditions referencing a position of a mobile unit (108) [figs. 1-4, col. 3, line 65 to col. 4, line 24 and col. 9, lines 44-46].

Therefore, rather than pointing out where the Examiner deems Applicant to be incorrect regarding the teachings of Segal at figs. 1-4, col. 3, line 65 to col. 4, line 24 and col. 9, lines 44-46, the Examiner merely repeated himself. With respect to Claim 5, which recites

that the specified method for alert comprises "sending e-mail to the designated location," the Examiner does not dispute that Segal's col. 3, lines 55-64, does not teach or suggest the limitations of Claim 5. The Examiner merely states without support that "those skilled in the art will recognize that may comprise a telephoning, email or other communications means as desired to the designated location." Thus, Applicant respectfully submit that the Examiner's rejection is based merely on impermissible hindsight reconstruction. Thus, Applicant respectfully submits that the Examiner failed to address Applicant's arguments. The combination of the teachings of Segal, Westerlage and Jones do not render Applicant's Claims 1, 3-5, 8-15 and 22 obvious. Reconsideration and allowance of Claims 1, 3-5, 8-15 and 22 are therefore requested.

The Examiner maintained his rejection of Claims 6-7, 18 and 23 under 35 U.S.C. § 103(a) as unpatentable over Segal, in view of Westerlage, further in view of Jones, and further in view of U.S. Patent 5,959,577 ("Fan"). In this rejection, the Examiner relies on modifying the teachings of Segal, Westerlage and Jones, as understood and set forth by the Examiner in his rejection of Claim 1, by the teaching of Fan, In the Amendment of August 22, 2003, Applicant explained to the Examiner that, because the teachings of Segal, Westerlage and Jones fails to teach Applicant's Claim 1, as set forth above, the combination of the teachings of Segal, Westerlage and Jones, even if modified in the manner discussed by the Examiner, do not disclose or suggest Applicant's Claims 6-7, 18 and 23. For the reasons stated above, Applicant respectfully requests reconsideration and allowance of Claims 6-7, 18 and 23.

Therefore, Applicant submits that all pending claims (i.e., Claims 1 and 3-23) are each allowable over the prior art of record. Reconsideration and allowance of these claims are respectfully requested. If the Examiner has any questions regarding the above, the Examiner

is respectfully requested to telephone the undersigned Attorney for Applicants at 408-392-9250.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 3, 2004.

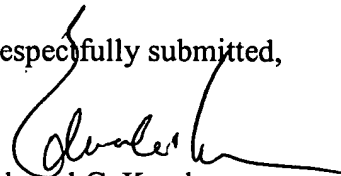


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3/3/2004

Date of Signature

Respectfully submitted,



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